

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CAREY SMITH,

Plaintiff,

vs.

SEVENTH AMENDED  
SCHEDULING ORDER

18-CV-6658-DGL-MJP

NEW YORK STATE, CORRECTIONS  
OFFICER KYLE KENNEDY in his individual  
capacity, CORRECTIONS OFFICER JOHN  
CRANCE in his individual capacity, et al.,

Defendants.

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Counsel for both parties have filed a letter motion (ECF No. 94) dated October 10, 2023, requesting an extension of time of certain deadlines contained in the Court's previously issued scheduling order, it is hereby

ORDERED

1. The deadline to join other parties and amend pleadings has passed.
2. The deadline for Plaintiff's amended D&I Responses with privilege log is **October 20, 2023**.
3. The deadline for Defendants' Amended Motion to Compel is **November 6, 2023**.
4. The deadline for Plaintiff's Opposition to Amended Motion and Cross Motion is **November 20, 2023**.
5. The deadline for Defendants' Reply and Opposition is **November 27, 2023**.
6. The deadline for Plaintiff's Reply, if any, is **December 4, 2023**.

7. All factual discovery in this case shall be completed on or before **April 29, 2024**. All motions to compel discovery shall be filed by **March 28, 2024**.
8. Plaintiffs shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **May 30, 2024**. Defendants shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **June 27, 2024**. All parties shall complete all discovery relating to experts, including depositions, by **August 29, 2024**.
9. Dispositive motions, if any, shall be filed no later than **October 28, 2024**. Unless a consent to proceed before this Court is filed, such motions shall be made returnable before Judge Larimer.
10. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall immediately contact the trial judge so that a trial date status conference can be scheduled.  
  
At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:


- a. Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- b. Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- c. Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- d. Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

11. Requests to extend the above cut-off dates may be granted upon written application, made prior to the cutoff date, and showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

12. The Court requires that should any discovery dispute arise between the parties that a letter be sent to the Court detailing the dispute prior to any motion practice.

SO ORDERED.

DATED:      October 12, 2023  
                 Rochester, New York

  
MARK W. PEDERSEN  
United States Magistrate Judge